

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DEMARIO THOMAS

CIVIL ACTION NO. 17-324-P

VERSUS

CHIEF JUDGE HICKS

WARDEN DARREL VANNOY

MAGISTRATE JUDGE HORNSBY


MEMORANDUM ORDER

Petitioner Demario Thomas ("Thomas") filed a motion for writ of mandamus (Doc. #7). Thomas seeks a writ of mandamus to direct the state officials to grant him post-conviction relief and administratively release him from incarceration. Mandamus relief is available "to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361. However, it is well settled that federal courts have no general power to compel action by state officials. See Davis v. Lansing, 851 F.2d 72, 74 (2d Cir. 1988); Van Sickle v. Holloway, 791 F.2d 1431, 1436 n.5 (10th Cir. 1986); Russell v. Knight, 488 F.2d 96, 97 (5th Cir. 1973); Haggard v. State of Tennessee, 421 F. 2d 1384, 1386 (6th Cir. 1970). Because the Louisiana state officials are not federal officers, employees or agencies, this court lacks jurisdiction to issue a writ of mandamus to compel it to perform an alleged duty. See 28 U.S.C. § 1361.

Accordingly,

IT IS ORDERED that the writ of mandamus (Doc. #7) is **DENIED**.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, this 28th day
of February 2018.



Mark L. Hornsby
U.S. Magistrate Judge